



CalDisclosures

Your source for the disclosure forms and booklets  
required by the California Department of Real Estate

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[Editor's Note: The following excerpt is from the California Department of Real Estate's booklet "Disclosures in Real Property Transactions" Part I Transfer and Financing of Real Property, Section I Disclosures Required of a Seller and/or Real Estate Broker/Agent, B. Earthquake Guides]

## Earthquake Guides

The California Seismic Safety Commission has developed a "*Homeowner's Guide to Earthquake Safety*." The guide includes information on geologic and seismic hazards, explanations of related structural and nonstructural hazards, recommendations for mitigating earthquake damage, and a statement that safety cannot be guaranteed with respect to a major earthquake and that only precautions such as retrofitting can be undertaken to reduce the risk of various types of damage. The Seismic Safety Commission has also developed a "*Commercial Property Owner's Guide to Earthquake Safety*." These guides are available at [www.seismic.ca.gov](http://www.seismic.ca.gov) or by calling (916) 263-5506.

If a buyer receives a copy of the *Homeowner's Guide* (or, if applicable, the *Commercial Property Owner's Guide*), neither the seller nor the broker(s)/agent(s) are required to provide additional information regarding geologic and seismic hazards, except that sellers and brokers/agent(s) must disclose what they actually know, including whether a property is in an earthquake fault zone.

Delivery of a booklet is required in the following transactions:

- Transfer of any real property improved with a residential dwelling built prior to January 1, 1960 and consisting of 1 to 4 units any of which are of conventional light-frame construction (*Homeowner's Guide*); and

- Transfer of any unreinforced masonry building with wood-frame floors or roofs built before January 1, 1975 (*Commercial Property Owner's Guide*).

In a transfer of residential dwellings consisting of 1 to 4 units, the following structural deficiencies and any corrective measures taken, which are within the seller's actual knowledge, are to be disclosed to prospective buyers:

- Absence of foundation anchor bolts;
- Unbraced or inappropriately braced perimeter cripple walls;
- Unbraced or inappropriately braced first-story walls;
- Unreinforced masonry perimeter foundation;
- Unreinforced masonry dwelling walls;
- Habitable room or rooms above a garage; or
- Water heater not anchored, strapped, or braced.

Certain exemptions apply to the obligation to deliver the booklet when transferring either a dwelling of 1 to 4 units or a **reinforced** masonry building. These exemptions are essentially the same as those that apply to delivery of the Real Estate Transfer Disclosure Statement. (See Part I, Section I, Subsection A, Item 2 – Real Estate Transfer Disclosure Statement.)

(CAL. PUB. RES. §§2621 et. seq., 2690 et. seq.; CAL. BUS. & PROF. §§ 10147, 10149; CAL. CIV. §§2079.8, 2079.9; CAL. GOV'T §§ 8875 et. seq., 8893.2, §8897 et. seq.)

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\*CalDisclosures recommends purchasing a third-party disclosure report to help satisfy this requirement.